

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARK MCCLESKEY, TRUSTEE AND INDIANA)
STATE COUNCIL OF PLASTERERS AND CEMENT)
MASONS HEALTH AND WELFARE AND PENSION)
FUNDS) No. 1:11-cv-795-SEB-MJD
)
Plaintiffs,)
)
)
LUCAS STUCCO & EIFS DESIGN, L.L.C.,)
a Missouri corporation,)
Defendant.)

ORDER

THIS CAUSE coming on to be heard on Motion of Plaintiffs for an Order requiring Defendant to turn over their books and records for audit; the Court finds as follows:

- A. The Complaint was filed herein on June 10, 2011.
- B. Process has been served upon Defendant, LUCAS STUCCO & EIFS DESIGN, L.L.C.
- C. Defendant has filed no answer or other pleadings within the time provided by law.

IT IS HEREBY ORDERED:

1. Defendant, LUCAS STUCCO & EIFS DESIGN, L.L.C. is hereby ordered to permit, within 30 days, an audit of their books and records for the period January 1, 2011 through the present of Plaintiffs' auditor.
2. Defendant is ordered to produce records for the period January 1, 2011 through the present beginning for examination by Plaintiffs' auditor:
 - A. All cash disbursement journals;
 - B. All individual payroll records;
 - C. All time records, which are the basis of the above-mentioned individual payroll records;

- D. All State unemployment tax returns as requested by the Trustees;
- E. All records showing Defendants' employees nature and classification of work, membership of those employees in or contributions by Defendant's on their behalf to, other trades, crafts, or fringe benefit funds.

DATED: 09/15/2011

Sarah Evans Barker

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Donald D. Schwartz
ARNOLD AND KADJAN
203 N. LaSalle St., Ste. 1650
Chicago, Illinois 60601
(312) 236-0415